

FORM PTO-1390  
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

1899-0020

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

Not Yet Assigned

09/936841

INTERNATIONAL APPLICATION NO.

PCT/IE00/00033

INTERNATIONAL FILING DATE

March 20, 2000

PRIORITY DATE CLAIMED

March 18, 1999

TITLE OF INVENTION A SURGICAL ACCESS DEVICE

APPLICANT(S) FOR DO/EO/US Martin CALDWELL, Christy CUMMINS, Mike MUNTNER

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4. ☐ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:

- 1.) International Preliminary Examination Report W/Amended Sheet and Claims
- 2.) World Publication WO/00/54676 Published September 21, 2000
- 3.) Four (4) Sheets of Drawings (Figs. 1-9)
- 4.) Application Data Sheet

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.53(a)(2)) <b>Not Yet Assigned</b>		INTERNATIONAL APPLICATION NO. <b>PCT/IE00/00033</b>		PCT DOCKET NUMBER <b>1890-0020</b>	
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21. <input checked="" type="checkbox"/> The following fees are submitted: <b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1) - (5)):</b> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... <b>\$1000.00</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..... <b>\$860.00</b>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(3)) paid to USPTO ..... <b>\$710.00</b>  International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... <b>\$690.00</b>  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... <b>\$100.00</b>				<b>CALCULATIONS</b>  <div style="border: 1px solid black; padding: 5px; height: 150px; text-align: center; font-size: 24px;">\$860.00</div>		<b>PTO USE ONLY</b>  <div style="border: 1px solid black; height: 150px;"></div>	
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>\$ 860.00</b>			
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				<b>\$ 130.00</b>			
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE				
Total claims	12 - 20 =	-----	X <b>\$18.00</b>	\$ -----			
Independent claims	1 - 3 =	-----	X <b>\$80.00</b>	\$ -----			
MULTIPLE DEPENDENT CLAIM(S) (if applicable) <b>Yes</b>			+ <b>\$270.00</b>	\$ 270.00			
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$ 1260.00</b>			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$			
<b>SUBTOTAL =</b>				<b>\$ 1260.00</b>			
Processing fee of <b>\$130.00</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$			
<b>TOTAL NATIONAL FEE =</b>				<b>\$ 1260.00</b>			
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property +				\$ -----			
<b>TOTAL FEES ENCLOSED =</b>				<b>\$ 1260.00</b>			
				Amount to be refunded:	\$		
				charged:	\$		

a. ☒ A check in the amount of **\$1260.00** to cover the above fees is enclosed.

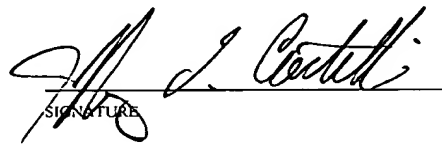
b. ☐ Please charge my Deposit Account No. 19-2380 in the amount of \$\_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-2380 (1890-0020). A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

NIXON PEABODY LLP  
 8180 Greensboro Drive  
 Suite 800  
 McLean, Virginia 22102

  
 \_\_\_\_\_  
 SIGNATURE  
 Jeffrey L. Costellia  
 \_\_\_\_\_  
 NAME  
 #35,483  
 \_\_\_\_\_  
 REGISTRATION NUMBER  
 JLC/sas September 18, 2001